

REMARKS

Claims 1-43 are all the claims pending in the application. Claims 1 and 23 are being amended. Claims 18 and 39 are being canceled.

I. Claim Rejections Under 35 U.S.C. § 101

The Examiner rejected claim 1 under 35 U.S.C. § 101 for reciting a method comprising two steps that are not clearly tied to or performed by a machine or executed by a “computer processor.” The Examiner rejected claims 2-22 under 35 U.S.C. § 101 for the same reasons as claim 1, because they depend on claim 1.

The Applicant herein amends claim 1 to further recite that the method of populating an electronic address book is conducted “using a computer with a processor and a memory.” The Applicant believes the amendment clearly ties the embodiment to a computer or machine, and is therefore statutory subject matter under 35 U.S.C. § 101. The Applicant additionally submits that claims 2-17 and 19-22 also now define statutory subject matter in view of their dependency to claim 1.

The Examiner rejected claim 23 under 35 U.S.C. § 101 for failing to recite components of the system (i.e., analyzing unit, extracting unit, etc.) performed by a machine or executed by a “computer processor.” The Examiner rejected claims 24-43 under 35 U.S.C. § 101 for the same reasons as claim 23, because they depend on claim 23.

The Applicant herein amends claim 23 to further describe the system for populating an electronic address book “performed by a computer with a processor and a memory.” The Applicant believes the amendment clearly ties the embodiment to a computer or machine, and is therefore statutory subject matter under 35 U.S.C. § 101. The Applicant additionally submits that claims 24-38 and 40-43 also now define statutory subject matter in view of their dependency to claim 23.

Claim Rejections Under 35 U.S.C. § 102

The Examiner rejected claims 1 and 23 under 35 U.S.C. § 102(e) as being anticipated by Albal et al. (US 2003/0076934).

The Applicant herein amends claims 1 and 23 to incorporate the limitations of claims 18 and 39, respectively, further describing how “the predetermined criteria comprises a number of times the user receives a call from the at least one telephone number within a certain time period.” Claims 18 and 39 are being canceled.

On page 9-10 of the Office Action, the Examiner rejected claims 18 and 39 under 35 U.S.C. § 103(a) for being unpatentable over Comp (US 2004/0203579) in view of Harms, et al. (US 2003/0078981) as applied to claim 1 above, and further in view of Kang (US 7,110,529).

The Applicant submits that neither Albal, Comp, Harms nor Kang disclose each and every element of claims 1 and 23, of the predetermined criteria comprising a

number of times the user receives a call from a telephone number within a certain time period. The Examiner specifically cites to Kang, at col. 4, lines 1-28, as disclosing the missing element, but the section cited in Kang only discusses the number of calls *made to a phone number*, not *received*. Kang states “the controller 20 counts the number of calls to each phone number. If the number of calls to a phone number exceeds a first threshold (e.g. 10), the phone number is automatically registered...” Kang, col. 4, lines 6-9 (emphasis added). Kang does not describe counting the number of calls received, nor does it describe using a number of received calls as a predetermined criteria for populating an electronic address book.

The Applicant additionally points out that the element of the predetermined criteria comprising a number of times a telephone number is dialed is covered separately by claim 17.

The Applicant therefore submits that the cited references, taken alone or in combination, fail to disclose or even remotely suggest the elements of claims 1 and 23. The Applicant additionally submits that claims 2-17, 19-22, 24-38 and 40-43 are allowable at least based on their dependency to claims 1 and 23, respectively.

II. Claim Rejections Under 35 U.S.C. § 103

The Examiner rejected claims 1-2, 6-15, 20-24, 28-36 and 41-43 under 35 U.S.C. § 103(a) for being unpatentable over Comp (US 2004/0203579) in view of Harms, et al. (US 2003/0078981). The Examiner rejected claims 4-5 and 26-27 under 35 U.S.C. § 103(a) for being unpatentable over Comp (US 2004/0203579) in view of Harms, et al. (US 2003/0078981) as applied to claims 1 and 23 above, and further in view of Sommerer (US 2002/0143879). The Examiner rejected claims 16 and 37 under 35 U.S.C. § 103(a) for being unpatentable over Comp (US 2004/0203579) in view of Harms, et al. (US 2003/0078981) as applied to claims 1 and 23 above, and further in view of Mansfield (US 2003/0185365). The Examiner rejected claims 16 and 37 under 35 U.S.C. § 103(a) for being unpatentable over Comp (US 2004/0203579) in view of Harms, et al. (US 2003/0078981) as applied to claims 1 and 23 above, and further in view of Mansfield (US 2003/0185365). The Examiner rejected claims 17, 19, 38 and 40 under 35 U.S.C. § 103(a) for being unpatentable over Comp (US 2004/0203579) in view of Harms, et al. (US 2003/0078981) as applied to claims 1 and 23 above, and further in view of Yang (US 6,766,017). The Examiner rejected claims 18 and 39 under 35 U.S.C. § 103(a) for being unpatentable over Comp (US 2004/0203579) in view of Harms, et al. (US 2003/0078981) as applied to claim 1 above, and further in view of Kang (US 7,110,529).

The Applicant refers the Examiner to the arguments discussed above in Section II, with regard to claims 1 and 23, and submits that claims 1-17, 19-38 and 40-43 are allowable for at least the reasons stated above, and in view of their respective dependencies on claims 1 and 23. Specifically, none of the above-cited references disclose where “the predetermined criteria comprises a number of times the user receives a call from the at least one telephone number within a certain time period,” as recited in claims 1 and 23. The Applicant notes that the Examiner did not cite to Comp, Harms, Sommerer, Mansfield or Yang for the proposition that the predetermined criteria comprises a number of times the user receives a call from the at least one telephone number within a certain time period.

IV. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

AMENDMENT UNDER 37 C.F.R. § 1.111 and § 1.121
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